APPENDIX.

Statutory Provisions Involved.

Code of Civil Procedure, State of California, Section 526:

"* * * An injunction cannot be granted:

* * * 5. To prevent the breach of a contract (other than a contract in writing for the rendition or furnishing of personal service from one to another where the minimum compensation for such service is at the rate of not less than six thousand dollars per annum, and where the promised service is of a special, unique, unusual, extraordinary or intellectual character which gives it peculiar value the loss of which cannot be reasonably or adequately compensated in damages in an action at law) the performance of which would not be specifically enforced; * * *."

Labor Code, State of California, Section 2855:

"A contract to render personal service, other than a contract of apprenticeship as provided in Chapter 4 of this division, may not be enforced against the employee beyond seven years from the commencement of service under it. Any contract, otherwise valid, to perform or render service of a special, unique, unusual, extraordinary, or intellectual character, which gives it peculiar value and the loss of which cannot be reasonably or adequately compensated in damages in an action at law, may nevertheless be enforced against the person contracting to render such service, for a term not to exceed seven years from the commencement of service under it. If the employee vol-

untarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation."

Business and Professions Code, State of California, Section 16600:

"Except as provided in this chapter, every contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind is to that extent void."

Labor Code, State of California, Section 1101:

"No employer shall make, adopt, or enforce any rule, regulation, or policy:

(a) Forbidding or preventing employees from engaging or participating in politics or from becoming candidates for public office.

(b) Controlling or directing, or tending to control or direct the political activities or affiliations of employees."

Section 1102:

"No employer shall coerce or influence or attempt to coerce or influence his employees through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity."

Section 1103:

"Any employer who violates this chapter is guilty of a misdemeanor punishable, in the case of an individual, by imprisonment in the county jail not to exceed one year or a fine of not to exceed $1000 or both, and, in the case of a corporation, by a fine of not to exceed $5000."

SUBJECT INDEX

	PAGE
Opinion below	1
Jurisdiction	1
Statement of the case	2
Corrections and additions to petitioner's statement	5
Questions presented	13
Argument	15
Conclusion	29

INDEX TO APPENDIX

	PAGE
State Statutes cited—	
California Criminal Syndicalism Act (Cal. Stats. 1919, Chap. 188, p. 281):	
Section 1	1
Section 2	1
California Code of Civil Procedure:	
Section 2102	1
California Labor Code:	
Section 1101	2
Section 1102	2
Section 1103	2

TABLE OF AUTHORITIES CITED

CASES PAGE

Aetna Casualty etc. Co. v. Quarles, 92 F. 2d 321 ..... 17, 18
American Communications Assoc. v. Douds, 339 U. S. 382 26
American Steel Foundries v. Tri-City C. T. Council, 257 U. S. 184 19
Bank of America v. Republic Productions, 44 Cal. App. 2d 651, 112 P. 2d 972 5
Barsky v. United States, 167 F. 2d 241 ..... 10, 24
Beaver v. Taylor, 65 U. S. 637 27
Bell v. Bruen, 1 How. (42 U. S.) 169 21
Brown v. Dupuy, 4 F. 2d 367 5
Bruckman v. Hollzer, 152 F. 2d 730 18
C. M. Patten & Co. v. United States, 289 U. S. 705 19
California Sugar etc. Agency v. Penoyar, 167 Cal. 274, 139 Pac. 671 23
Cameron v. Burnham, 146 Cal. 580, 80 Pac. 929 23
Carpenter Steel Co. v. Norcross, 204 Fed. 537 24
Cavoretto v. Alaska etc. Min. Co., 245 Fed. 853 27
Chapman, In re, 166 U. S. 661 24
Comerford v. Inter. Harvester, 235 Ala. 376, 178 So. 894 12
Danskin v. San Diego etc. Dist., 28 Cal. 2d 536, 171 P. 2d 885 26
Dennis v. United States, 171 F. 2d 986; aff'd 339 U. S. 162 25
Development Co. v. King, 161 Fed. 91 12
Dickinson v. General Accident F. & L. Assur. Corp., 147 F. 2d 396 18
Dodge v. Meyer, 61 Cal. 405 28
Dr. Miles C. Co. v. Sontag C. Stores Co., 8 Cal. 2d 178, 64 P. 2d 726 19
Dunn v. Daly, 78 Cal. 640, 21 Pac. 377 22
Erie R. Co. v. Tompkins, 304 U. S. 64 25
Ewing v. Von Nieda, 76 F. 2d 177 22

PAGE

Farmer v. First Trust Co., 246 Fed. 671.....5, 24

First Union Trust & Savings Bank v. Consumers Company, 290 U. S. 585..... 19

Floyd v. Ring Const. Corp., 165 F. 2d 125; cert. den. 334 U. S. 838 21

Furness, Withy & Co. v. Yang-Tsze Ins. Ass'n, 242 U. S. 430.... 20

Gospel Army v. Los Angeles, 331 U. S. 543..... 15

Great Northern Life Ins. Co. v. Vince, 118 F. 2d 232; cert. den. 314 U. S. 637..... 17

Hagen v. Porter, 156 F. 2d 362..... 27

Hamilton Shoe Co. v. Wolf Brothers, 240 U. S. 251..... 15

Hargrove v. American Cent. Ins. Co., 125 F. 2d 225..... 17

Helvering v. Minnesota Tea Co., 296 U. S. 378..... 20

Hynes v. Grimes Packing Co., 337 U. S. 86..... 20

Independent L. Ins. Co. v. Williamson, 152 Ky. 818, 154 S. W. 409 24

Insurance Co. v. Baring, 87 U. S. 159..... 27

Jerome v. Queen City Cycle Co., 163 N. Y. 351, 57 N. E. 485....5, 12

Josephson v. United States, 165 F. 2d 82..... 10

Kulawitz v. Pacific etc Paper Co., 25 Cal. 2d 664, 155 P. 2d 24 23

Lawson v. United States, 176 F. 2d 49; cert. den. 339 U. S. 934 .....10, 24, 27

Lockheed Aircraft Corp. v. Superior Court, 28 Cal. 2d 481, 171 P. 2d 21..... 26

Los Angeles Gas Co. v. Amalgamated Oil Co., 156 Cal. 776, 106 Pac. 55 22

Los Angeles Gas etc. Co. v. Amalgamated Oil Co., 168 Cal. 140, 142 Pac. 46..... 22

Lumbermen's Mut. Cas. Co. v. Timms & Howard, 108 F. 2d 497 18

Macauley v. Press Pub. Co., 170 App. Div. 640, 155 N. Y. S. 1044; aff'd 222 N. Y. 696, 119 N. E. 1055..... 24

PAGE

Magnum Import Co. v. Coty, 262 U. S. 159 15

May v. New York M. Pic. Corp., 45 Cal. App. 396, 187 Pac. 785 ..... 5, 12

McCullough v. Kammerer Corp., 323 U. S. 327 20

Mox, Incorporated v. Woods, 202 Cal. 675, 262 Pac. 302 28

Nagel, In re, 278 Fed. 105 24

Pacific Indemnity Co. v. McDonald, 107 F. 2d 446 ..... 17, 18

People v. Mayes, 113 Cal. 618, 45 Pac. 860 27

People v. McClennegen, 195 Cal. 445, 234 Pac. 91 26

People v. Steelik, 187 Cal. 361, 203 Pac. 78 26

People v. Taylor, 187 Cal. 378, 203 Pac. 85 26

Piedmont Fire Ins. Co. v. Aaron, 138 F. 2d 732 17

Platt, Estate of, 21 Cal. 2d 343, 131 P. 2d 825 ..... 21, 22

Quercia v. United States, 289 U. S. 466 27

Radio Station WOW, Inc. v. Johnson, 326 U. S. 120 15

Rathbun v. Security Mfg. Co., 82 Cal. App. 793, 256 Pac. 296 23

Revert v. Hesse, 184 Cal. 295, 193 Pac. 943 29

Sinclair v. United States, 279 U. S. 263 ..... 24, 25

Tennessee Coal, Iron & R. Co. v. Muscoda Local No. 123, 137 F. 2d 176; aff'd 321 U. S. 590 17

Towney v. People's Ice Co., 66 Cal. 233, 5 Pac. 158 22

Trumbo v. United States, 176 F. 2d 49; cert. den. 339 U. S. 934 10

Tyrell v. District of Columbia, 243 U. S. 1 20

Union Oil Co. v. Union Sugar Co., 31 Cal. 2d 300, 188 P. 2d 470 22

United States v. Breitling, 61 U. S. 252 27

United States v. Dennis, 183 F. 2d 201; cert. granted, 95 L. Ed. (Adv. Op.) 43 26

PAGE

United States v. Hoffman, 335 U. S. 77 20

United States v. Josephson, 165 F. 2d 82; cert. den. 333 U. S. 838 24

United States Fidelity etc. Co. v. Koch, 102 F. 2d 288 17

Von Heyne v. Tompkins, 89 Minn. 77, 93 N. W. 901 5

Whitney v. California, 274 U. S. 357 26

Wood etc. Co. v. Seurich, 5 Cal. App. 252, 90 Pac. 51 23

Zellerbach Paper Co. v. Helvering, 293 U. S. 172 20

STATUTES

California Code of Civil Procedure, Sec. 2102 27

California Labor Code, Sec. 1101-3 26

California Statutes, 1919, Chap. 188, p. 281 26

Declaratory Judgments Act (28 U. S. C., Sec. 2201) 17

Federal Rules of Civil Procedure, Rule 43(a) 27

Federal Rules of Civil Procedure, Rule 57 17

United States Code, Title 18, Sec. 11 (1946 Ed.) 26

United States Code, Title 28, Sec. 1254(1) 1

United States Code, Title 28, Sec. 2101(c) 1

United States Code, Title 18, Sec. 2385 (1948 Rev. Ed.) 26

TEXTBOOKS

Borchard, Declaratory Judgments (1934), p. 120 17

39 Corpus Juris, Sec. 90, p. 89 12

39 Corpus Juris, p. 89, Notes 70, 72 24

56 Corpus Juris, Sec. 44, p. 435 ..... 12, 24

56 Corpus Juris Secundum, p. 428, Note 20 24